

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

UNITED STATES OF AMERICA

CR. A. NO. 06-30043-03

VERSUS

JUDGE ROBERT G. JAMES

DONALD RAY KELLY

MAG. JUDGE KAREN L. HAYES

ORDER

Because of the recent revision to the base offense levels for crack cocaine, Section 2D1.1 of the United States Sentencing Guidelines, this matter will be considered for re-calculation of sentence pursuant to 18 U.S.C. § 3582(c)(2). All cases falling under 18 U.S.C. § 3582(c)(2) will be considered in order of the current release date of each defendant, with the cases of those defendants who are closest to their release dates considered first.

IT IS ORDERED that the Office of the Public Defender is appointed to represent all defendants who are potentially affected by the revisions to the Sentencing Guidelines on crack cocaine. If a defendant retains private counsel, that counsel should enroll immediately and will be subject to the provisions of this Order.

Having reviewed the Probation Office's re-calculation of the applicable Guideline range of imprisonment and the record in this matter, including the Pre-Sentence Report, the Court finds that Defendant Donald Ray Kelly is subject to a mandatory statutory minimum sentence of 120 months imprisonment. Defendant was previously sentenced to 120 months imprisonment. Accordingly, the Court cannot reduce Defendant's sentence.

IT IS FURTHER ORDERED that the United States Attorney's Office and the attorney

representing the defendant shall file within 60 days of their receipt of this Order a notice stating (1) whether a hearing is requested or waived and (2) whether there are any objections to the recalculation and/or to the Court's proposed term of imprisonment.

It is the intent of the Court to address every defendant potentially affected by these Guideline revisions and to do so in as prompt a manner as possible.

MONROE, LOUISIANA, this 4th day of April, 2008.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE